

May 18, 2007

By Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Filing: IB Docket No. 06-160

Dear Ms. Dortch:

Today Nancy Eskenazi of SES Americom and Peter Rohrbach and Karis Hastings of Hogan & Hartson, counsel for SES Americom, met with Aaron Goldberger, Legal Advisor to Commissioner Tate, to discuss matters relating to the above-referenced proceeding. The attached document, which was distributed at the meeting, formed the basis for the discussion.

Please direct questions concerning this matter to the undersigned.

Sincerely,

Karis A. Hastings
Counsel for SES Americom, Inc.

Attachment

cc: Aaron Goldberger

**DBS REDUCED ORBITAL SPACING
IB DKT NO. 06-160**

May 2007

PROMPT ACTION IS CRITICAL

- The Commission should act quickly to ease DBS spectrum shortages and lay the foundation for new competition in the U.S. DBS market.
 - SES Americom is ready to build and launch spacecraft to serve the U.S.
 - We demonstrated our commitment by building AMC-14, which now will be used for a different mission.
 - Commission action is long overdue – 5 years have passed since SES Americom filed for AMC-14.
 - SES Americom and other new competitors need regulatory certainty now to support investment.

NEW DBS CAPACITY IS NEEDED

- As with reduced FSS spacing in the 1980's, reduced DBS spacing is needed today to increase service to customers.
 - Reduced spacing will give consumers more video choices, spur innovation, and create downward pressure on pricing.
 - Users will benefit whether capacity is used for full-scale new entry or for more targeted niche/supplemental offerings.
 - In particular, additional capacity is needed to:
 - Introduce new competition for residential video services, including meeting demand for HDTV service
 - Allow enhanced mobile video services
 - Expand video service options for government, business, and educational institutions

PROPOSED COORDINATION RULES

- Coordination rules are needed to permit new satellites to be designed and brought into service on a timely basis.
 - The Commission must be prepared to resolve coordination if new licensees reach a stalemate in discussions with incumbents.
 - SES Americom's proposed approach uses a combination of factors (including a C/I threshold and availability standards) to allow new entry while fully protecting existing subscribers.
 - The Commission must adopt a schedule for resolution:
 - Six months to coordinate once FCC authorizes new service
 - If no agreement reached, referral to Commission
 - Two months for Commission to decide after receiving both sides' technical showings

PROTECTION OF EXISTING SERVICES

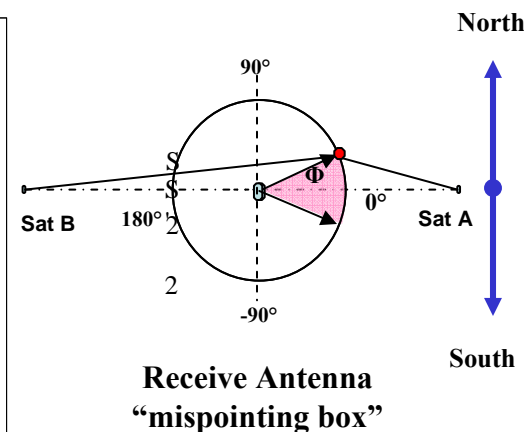
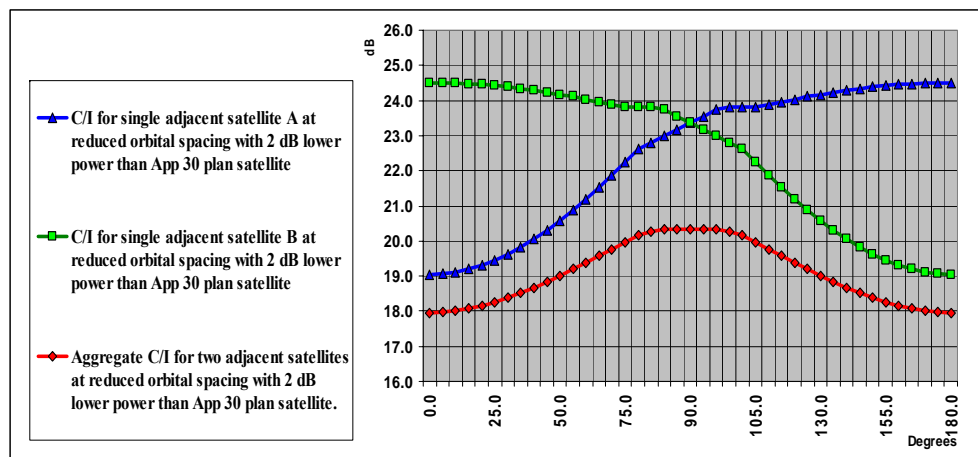
- Reduced DBS spacing will not cause harmful interference to existing services.
 - SES Americom is committed to accommodating current DBS subscribers in designing its own network.
 - SES Americom can achieve robust service at lower power through the use of advanced coding techniques, larger subscriber dishes, frequency offsets, and tailored EIRP contours.
 - New DBS satellites will take time to deploy, so incumbents will have a transition period.

MISPOINTING IS A RED HERRING

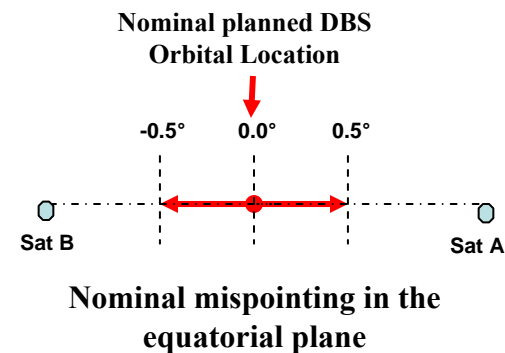
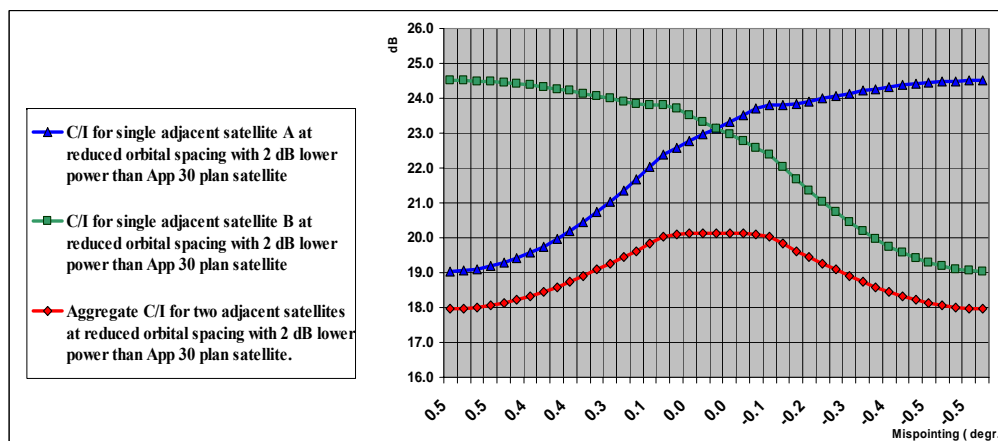
- Reduced DBS spacing will not impact current dishes, even those that are mispointed.
 - SES Americom recognizes that deployed user terminals are not all pointed accurately.
 - The evidence demonstrates, however, that minor installer mispointing does not materially affect the interference environment.
 - The data presented by SES Americom is not disputed. It shows that:
 - For mispointing in the direction of the orbital plane (E/W), the net impact is minimal (about 1 dB for .5° mispointing) due to the offset effect.
 - North/South mispointing does not materially affect an operator's ability to receive satisfactory signal strength. In fact, N/S mispointing will slightly improve the C/I – see charts on following page.

Aggregate C/I Levels

Aggregate C/I
levels :
0.5° “mispointing
box”



Aggregate C/I
levels:
No North/South
mispointing



- Extreme levels of mispointing should not be considered.
 - Incumbent claims that mispointing in excess of 0.5° is common rely on questionable data.
 - Extreme mispointing degrades service quality and should be corrected, not used by incumbents as a rationale to block new competition – see *17/24 GHz BSS Order* at 38 n.239 (Commission “will not favorably consider complaints from 17/24 GHz BSS network operators that are based on the mispointing of their own BSS receiving antennas”).
 - In any event, incumbents’ announced plans for new services and normal customer churn will involve replacing and upgrading user antennas over the next 2-3 years, allowing correction of serious pointing errors.

ENHANCED MOBILE SERVICES

- DBS satellites at reduced spacing will enhance, not impair, deployment of robust mobile services to consumers.
 - Capacity scarcity is the single greatest obstacle to widespread availability of smaller, lighter and more reasonably priced mobile DBS terminals.
 - With additional capacity, mobile services can be introduced using modulation techniques that require relatively more bandwidth but are more resistant to interference (e.g., CDMA).
 - In contrast, DirecTV's proposal to shoehorn a mobile offering into currently available spectrum using DirecTV-13 is unreasonable:
 - Customers will not be protected from interference because the antennas are smaller than 45 cm – DirecTV has been required to warn its customers that their receivers are unprotected.
 - The service was designed to operate in 9-degree spacing environment, even though reduced spacing has been contemplated for more than 8 years.
 - DirecTV chose to use currently scarce DBS spectrum, despite its insistence that other available spectrum is suitable for video delivery.
 - LiveTV also chose to deploy unprotected antennas.

BENEFITS FOR U.S. CONSUMERS

- Reduced DBS orbital spacing will serve U.S. interests and promote U.S. policies.
 - DirecTV's attempts to characterize the issue of reduced orbital spacing in terms of U.S. vs. foreign interests ignore reality:
 - Reduced spacing will serve U.S. consumers' interests in expanded choices for video service delivery.
 - The entities planning to deploy DBS satellites at reduced orbital spacing (EchoStar, Spectrum Five and SES Americom) are all U.S. companies.
 - Authorizing new DBS entry is consistent with U.S. treaty commitments under the WTO and the FCC's *DISCO II* policies.